

045723/19700/JAF/REN/TPD/MDG

U.S. DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS, EAST ST. LOUIS DIVISION

SHARON FIELDS,

Plaintiff,

v.

DOLLAR TREE STORES, INC.,

Defendants.

Case Number 3:19-cv-00941-RJD

Magistrate Judge Reona J. Daly.

MOTION TO AMEND THE SCHEDULING ORDER

COME NOW Plaintiff, Sharon Fields by and through her attorneys, Ott Kaw Firm, and pursuant to Federal Rule of Civil Procedure 6(b), hereby submits for its Motion to Amend the Scheduling Order, states as follows:

1. Plaintiff has filed a personal injury complaint (Doc. 1, Ex. 1) alleging that Defendant was negligent, causing Plaintiff to slip and fall, resulting in injury.
2. This Court entered its Second Amended Scheduling Order (Doc.27) on June 18, 2020.
3. The Court entered an Order Granting Second Motion to Amend Correct scheduling order on September 28, 2020.
4. The Court's Order Granting Second Motion to Amend Correct Scheduling Order set a deadline for discovery to be due by February 1, 2021 with dispositive motions complete by February 15, 2021.
5. Counsel for both parties have completed depositions of Defendant Dollar Tree store manager Shirley Wren on September 15, 2020 and Dr. Michael Halpin on November 11, 2020.
6. During the Deposition of Shirley Wren, Wren testified as to the existence of multiple cameras that caught footage of the fall at issue.

7. Defendant Dollar Tree Stores attempted to produce that video, but the video was not usable on either Plaintiff nor Defendant's counsel's computer. The video has yet to be produced in a usable format.

8. Defendant Shirley Wren further testified as to the existence of an incident report that had not been prior produced by Defendant Dollar Tree Store before the deposition. She produced a picture of the report during the deposition. She testified to the procedure used for recording prior incidents and the existence of multiple spills in the aisle in which Plaintiff fell. Defendant Dollar Tree store has not produced any prior incident reports from slip and falls at the location at issue despite the same being requested.

9. Plaintiff has further served Defendant Dollar Tree Store with a Notice of Deposition of Corporate Designee on August 11, 2020 and an Amended Notice of Corporate Designee on March 11, 2021. The deadline given for the Amended Notice of Corporate Designee is May 19, 2021.

10. Further, Plaintiff Sharon Fields has continued to receive medical treatment as a result of her injuries. Plaintiff has agreed to produce Ms. Fields for an additional deposition regarding additional medical treatment only as well as sending Plaintiff's Second Response to Defendant's Interrogatories indicating the additional medical treatment she has received since her deposition.

11. The Court has scheduled a settlement conference in this case for Tuesday, March 30, at 10:00 AM. In the event that a settlement is not reached, Plaintiff Fields anticipates taking an additional deposition of one of Plaintiff Fields treating doctors as well as the Deposition of Corporate Designee on or before May 19, 2021. Plaintiff further will ask the Court to compel

production of the video tape and prior incident reports for two years from Defendant Dollar Tree Stores.

12. Therefore, Plaintiff requests that the Court amend its Second Amended Scheduling and Discovery Order (Doc. 27), and Amended Scheduling Order (Doc. 35) as follows:

Deadline	Current Deadline/Date	Proposed Extension
Close of Discovery	February 1, 2021	October 1, 2020
Deadline to file dispositive motions	February 16, 2021	October 15, 2020


13. This request will not prejudice the plaintiff and is not made to cause undue delay.

14. Defendant's Attorney was contacted multiple times but has not responded to requests to discuss this Motion to Amend Scheduling Order. There was some discussion about producing the video but it has not yet been produced.

WHEREFORE, for the above reasons, Defendant respectfully request this Honorable Court grant its Motion to Amend the Scheduling Order, or such further relief deemed appropriate.

Respectfully submitted,

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Local counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2021, I electronically filed the foregoing Motion to Amend the Scheduling Order with the Clerk of the Court using the CM/ECF system. The electronic case filing system sent a “Notice of E-Filing” to the following:

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